

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS

FREEDOM FROM RELIGION  
FOUNDATION, INC., and JOHN ROE,

*Plaintiffs,*

v.

JUDGE WAYNE MACK, in his personal  
capacity and in his official capacity on behalf  
of the State of Texas,

*Defendant.*

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CIVIL ACTION NO. 4:19-cv-1934

**NOTICE OF APPEAL**

Notice is hereby given that Defendant Judge Wayne Mack, in his individual capacity, hereby appeals to the United States Court of Appeals for the Fifth Circuit from the Order Granting Plaintiffs' Motion for Summary Judgment and Denying Defendant's Motion for Summary Judgment entered in this action on May 20, 2021 (Dkt. 80), and from all other adverse orders, rulings, decrees, decisions, opinions, memoranda, conclusions, or findings preceding, leading to, merged in, subsumed in, impacting within, identified within, or included within that order, including but not limited to the Order Denying Defendant's Motion to Dismiss entered on January 13, 2020 (Dkt. 38) and the Order Denying Defendant's Motion for Reconsideration of his Motion to Dismiss entered on February 27, 2020 (Dkt. 43).

Dated: May 25, 2021

Respectfully submitted,

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COUNSEL FOR DEFENDANT JUDGE WAYNE MACK  
IN HIS INDIVIDUAL CAPACITY

**CERTIFICATE OF SERVICE**

I certify that, on May 25, 2021, a true and correct copy of this document was served by ECF on all counsel of record.

/s/ Allyson N. Ho  
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